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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Michael S.G. Bell et al. :
Application No. 09/937,542 :
Filed: September 26, 2001 :
Attorney Docket No. 40198/181160(CAN100) :

This is a decision on the petition filed February 21, 2005, under 37 CFR 1.181, to withdraw the holding of abandonment for the above-identified application.

The petition to withdraw the holding of abandonment is **GRANTED**.

The application was held abandoned on September 25, 2003 for failure to file a timely response to the non-Final Office Action mailed June 24, 2003, which set a three (3) month shortened period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed January 24, 2005.

Petitioner asserts that a proper response, was filed via facsimile transmission on September 10, 2003. In support, petitioner submits a copy of the reply said to have been filed, but not acknowledged, with the U.S. Patent and Trademark Office, which also includes a certificate of facsimile transmission pursuant to 37 CFR 1.8.

The evidence submitted corroborates a timely response to the non-Final Office Action. Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 3731 for appropriate action on the amendment filed September 10, 2003, a copy of which was submitted upon petition.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions